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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,711	09/30/2003	Henry J. Straub	702.253	6333

7590 11/17/2004  
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EXAMINER

NGUYEN, PHUNG

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/675,711

Applicant(s)

STRAUB ET AL.

Examiner

Phung T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7-13, 15-22, 25-27, 29-33, 36-39, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Lemelson et al. (U.S. Pat. 6,028,514).

**Regarding claim 1:** Lemelson et al. disclose personal emergency, safety warning system and method which comprises all the claimed subject matter as follows:

a. receiving one or more weather signals on at least a first channel of the navigation device, where the one or more weather signals include location information (col. 10, lines 11-14);

b. determining one or more positions using a navigation device (col. 10, lines 4-7);

c. comparing the one or more positions with the location information; and generating a weather alert in the navigation device based on comparing the one or more positions with the location information (col. 10, lines 35-42).

**Regarding claim 2:** Lemelson et al. disclose wherein determining the one or more positions further includes determining the positions from a global positioning system (GPS) enabled navigation device (col. 10, lines 4-8).

**Regarding claim 3:** Lemelson et al. disclose wherein receiving one or more weather signals on at least the first channel of the navigation device includes receiving a Specific Area Message Encoding signal that includes the location information (col. 3, lines 44-48).

**Regarding claim 4:** Lemelson et al. disclose wherein the method further includes receiving and transmitting one or more voice data signals (col. 6, lines 58-64).

**Regarding claim 7:** Lemelson et al. disclose performing a routing algorithm to calculate a route, where the route includes one or more waypoints; comparing the one or more waypoints with the location information of the one or more weather signals; and generating the weather alert based on comparing the one or more waypoints of the route with the location information (col. 12, lines 23-28).

**Regarding claim 8:** Lemelson et al. disclose wherein, upon generating the weather alert, the method further includes; selecting one or more waypoints; determining a present location based on a signal from a global positioning system (GPS); and performing the routing algorithm to calculate the route between the present position and the selected waypoints (col. 11, lines 24-38).

**Regarding claim 9:** Lemelson et al. disclose wherein selecting one or more waypoints includes selecting one or more destination points (col. 13, lines 28-36).

**Regarding claim 10:** Lemelson et al. disclose recording a track log; determining a heading based on the track log; comparing the heading with the location information of the one or more weather signals; and generating the weather alert in the navigation device based on comparing the heading with the location information (col. 13, lines 5-40).

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**Regarding claim 11:** All the claimed subject matter is already discussed in respect to claim 1 above. Lemelson et al. also disclose determining one or more positions using a global positioning system (GPS) and recording a track log based on the one or more positions (col. 13, lines 28-40).

**Regarding claim 12:** Lemelson et al. disclose wherein receiving one or more weather signals on at least the first channel of the navigation device includes receiving a Specific Area Message Encoding signal that includes the location information (col. 3, lines 44-48).

**Regarding claim 13:** Lemelson et al. disclose receiving and transmitting one or more voice data signals (col. 6, lines 58-64).

**Regarding claim 15:** Refer to claim 7 above.

**Regarding claim 16:** Refer to claim 8 above.

**Regarding claim 17:** Refer to claim 9 above.

**Regarding claim 18:** All the claimed subject matter is already discussed in respect to claim 1 above. Lemelson et al. also disclose performing a routing algorithm to calculate a route, where the route includes one or more waypoints (col. 12, lines 23-31).

**Regarding claim 19:** Lemelson et al. disclose selecting one or more waypoints for the route, and wherein performing the routing algorithm includes incorporating the one or more waypoints into the route (col. 4, lines 4-14).

**Regarding claim 20:** Refer to claim 3 above.

**Regarding claim 21:** Refer to claim 8 above.

**Regarding claim 22:** Refer to claim 4 above.

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**Regarding claim 25:** All the claimed subject matter is already discussed in respect to claim 1 above.

**Regarding claim 26:** Refer to claim 2 above.

**Regarding claim 27:** Refer to claim 3 above.

**Regarding claim 29:** Refer to claim 7 above.

**Regarding claim 30:** Refer to claim 8 above.

**Regarding claim 31:** Refer to claim 10 above.

**Regarding claim 32:** Lemelson et al. teach a processor, a memory operably coupled to the processor (col. 11, lines 28-30); global positioning system (GPS) receiver operably coupled to the processor and the memory for determining a position of the navigation device (col. 11, lines 24-28); and a weather receiver operably coupled to the processor for receiving one or more weather signals, where the one or more weather signals include a location information, wherein the processor is operable to compare the location information of the one or more weather signals with the position of the navigation device, and operable to generate a signal for a weather alert based on a result of the comparison (col. 11, lines 30-38).

**Regarding claim 33:** Lemelson et al. teach a transceiver operably coupled to the processor to wirelessly transmit and receive voice data signals with an electronic device (col. 17, lines 23-31).

**Regarding claim 36:** Refer to claim 3 above.

**Regarding claim 37:** Lemelson et al. teach including a number of waypoints, wherein the processor is operable to perform a routing algorithm to calculate a route between at least two of the number of waypoints, and wherein the processor is operable to compare the one or more

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waypoints of the route with the location information of the one or more weather signals, and generate an alert for a weather alert based on the comparison (col. 11, lines 24-38).

**Regarding claim 38:** Lemelson et al. teach including at least one input operably coupled to the processor and capable of receiving data on a selected position, wherein upon generating the weather alert, the processor receives data on the selected position through the at least one input, the GPS receiver determines a present position, and the processor operates on the routing algorithm to plot the route between the present position and the selected position (col. 10, lines 22-42).

**Regarding claim 39:** Refer to claim 10 above.

**Regarding claim 41:** Lemelson et al. teach an audio output device operable to audibly present the weather alert (col. 17, lines 39-41).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 14, 23, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson et al. (U.S. Pat. 6,028,514).

**Regarding claim 5:** Lemelson et al. teach receiving and transmitting the one or more voice data signals on radio communications but do not specifically teach receiving and transmitting the one or more voice data signals on a Family Radio Service frequency as claimed.

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Since Lemelson et al. teach communication links are standard lines or other suitable communication media, it would be obvious to the skilled artisan to recognize that the system of Lemelson et al. also includes a Family Radio Service frequency in order to transmit/receive the one or more voice data signals.

**Regarding claim 14:** Refer to claim 5 above.

**Regarding claim 23:** Refer to claim 5 above.

**Regarding claim 34:** Refer to claim 5 above.

4. Claims 6, 24, 28, 35, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson et al. in view of Tate (U.S. Pat. 6,509,833).

**Regarding claim 6:** Lemelson et al. teach the central alarm communicates with the various system elements (col. 9, lines 65-67, and col. 10, lines 1-2) but do not disclose interrupting the receiving and transmitting of the one or more voice data signals of the navigation device with the weather alert. However, interrupting the receiving and transmitting of the one or more voice data signals of the device with the warning announcement is old and known in the art as taught by Tate (col. 10, lines 9-14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Tate in the system of Lemelson et al. because they both teach an emergency warning system. Tate's teaching of interrupting the receiving and transmitting of the one or more voice data signals of the device with the warning announcement would enhance the system of Lemelson et al. by allowing the selected subscriber to immediately receive the warning alert from emergency notification provider.



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**Regarding claim 24:** Refer to claim 6 above.

**Regarding claim 28:** Refer to claim 6 above.

**Regarding claim 35:** Refer to claim 6 above.

**Regarding claim 40:** Tate discloses a display operable to graphically present the weather alert (col. 7, lines 54-59).

***Response to Arguments***

5. Applicant's arguments filed 08/05/04 have been fully considered but they are not persuasive.

**Applicant's argument:**

Lemelson provides a warning unit that can calculate its position and communicate with a monitor/response center, i.e., it provides a current location only and does not provide navigation.

**Response to argument:**

Examiner respectfully disagrees with the Applicant's argument. Since Lemelson teaches the warning units 12 receive G.P.S. signals from G.P.S. satellites 16 to permit precise calculation of geographic G.P.S. coordinates of the units 12, it is seen that the warning units 12 of Lemelson is a navigation device which is used for determining location of the person wearing the warning unit. Furthermore, Lemelson also teaches other navigation systems could be used (col. 9, lines 9-16). Base on the above rationale, it's believed that the claim limitation is still met and therefore, the rejection is still remained.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu, can be reached on 571-272-2964. The fax number for this Group is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 571-272-2600.

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Phung Nguyen

A handwritten signature in black ink, appearing to read 'Phung Nguyen', with a long horizontal flourish extending to the right.

Date: November 2, 2004